

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Hildreth
Serial No.: 08/200,491
Filed : 2/22/94
Title : MONOCLONAL ANTIBODIES AGAINST LEUKOCYTE ADHESION
RECEPTOR β -CHAIN, ...

Art Unit: 1806
Examiner: P. Hutzell

Box AF

Commissioner of Patents and Trademarks
Washington, DC 20231

DECLARATION

Dear Sir:

The undersigned, Lisa A. Haile, Ph.D., declares and states that:

1. I am an attorney representing the above-identified Applicant in the prosecution of patent application serial no. 08/200,491.

2. Cultures of the cell line referred to in the above-captioned patent application as hybridoma, H52, were deposited with the American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD, USA (ATCC) on May 31, 1989, and can be accessed by HB 10160.

3. The deposit of the cells described in paragraph 2. was made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations thereunder (Budapest Treaty). This assures maintenance of viable cultures for 30 years.

Date of Deposit Sept 7 1995
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

PATRICIA BLACKWELL
Patricia Blackwell

from the date of deposit. The organisms will be made available by ATCC under the terms of the Budapest Treaty and Applicant assures permanent and unrestricted availability of the progeny of the culture to the public upon issuance of the pertinent U.S. patent or upon laying open to the public of any U.S. or foreign patent application, whichever comes first, and assures availability of the progeny to one determined by the U.S. Commissioner of Patents and Trademarks to be entitled thereto according to 35 USC §122 and the Commissioner's rules pursuant thereto (including 37 CFR §1.14 with particular reference to 886 OG 638).

4. Further, if the culture deposit should die or be lost or destroyed when cultivated under suitable conditions, it will be promptly replaced on notification with a viable specimen of the same culture. Availability of a deposited strain is not to be construed as a license to practice the invention in contravention of the rights granted under the authority of any government in accordance with its patent laws.

5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: September 7, 1995



Lisa A. Haile, Ph.D.
Attorney for Applicant
Reg. No. 38,347

FISH & RICHARDSON
Suite 1400
4225 Executive Square
La Jolla, CA 92037
Telephone: (619) 678-5070
Facsimile: (619) 678-5099